

504 v. IDEA

The IDEA is another law that protects students with disabilities. It requires schools to implement individualized education programs (IEPs) for a student who meets specific criteria under the IDEA.

Generally, Section 504 is more broadly applicable, meaning that its protections apply to more students, including those that do not qualify under IDEA. For example, a student may have a disability that is not eligible under IDEA but may still require accommodations under 504 in order to be provided with the same educational opportunities as their non-disabled peers. Students can have both an IEP and a 504 Plan.

What if I am concerned that my child's school is not leading its legal obligations?

If the school refuses to evaluate your child or acknowledge your request for a 504 Plan, or if the school has developed a 504 Plan but failed to implement it, there are options available to resolve the concerns, such as requests for mediation, requesting an impartial hearing, or formal complaints with the federal Office of Civil Rights.

To discuss your child's situation and possible options to resolve your concerns, contact TOCLA to complete an intake.

Visit our webpage, scan this QR code!



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The OCR office for Washington is located at:
Seattle Office
Office for Civil Rights
U.S. Department of Education
915 Second Avenue Room 3310
Seattle, WA 98174-1099
Phone: 206-607-1600
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Email: OCR.Seattle@ed.gov

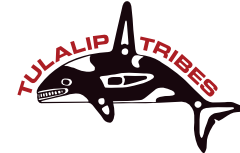


TULALIP OFFICE OF
CIVIL LEGAL AID

YOUTH ADVOCACY

SECTION 504 AND EQUAL
ACCESS TO EDUCATION:

A Guide for Parents



TDS-8392

360-716-4512

SECTION 504 AND EDUCATION

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 (commonly called “Section 504”) prohibits discrimination in public schools based on a student’s disability. Schools must provide students who qualify with equal access to general education which means schools must provide them with a **free appropriate public education (FAPE)**. FAPE means the school must meet the needs of students with disabilities just as adequately as the needs of non-disabled students.

How does a student qualify for a Section 504?

A student qualifies for Section 504 if they have a physical or mental impairment that “**substantively limits one of more major life activities.**” Examples of major life activities include walking, hearing, speaking, talking, or learning, for example.

What are the school’s obligations under Section 504?

Schools must provide a FAPE. To provide a FAPE for students with disabilities within the school district, the school may need to provide special education services or accommodations designed to meet the needs of the individual student, and must keep the student in the regular classroom to the maximum extent possible.

What is a 504 Plan?

A Section 504 Plan outlines the services and accommodations a qualifying student requires to have a FAPE.

The school must have a process to check if a **student is eligible for a 504 Plan**. To begin this process for your student gather documentation of your student’s condition, behavior, and/or needs. You may include the student’s diagnosis or report from a health care provider; written observations from the student’s teachers and/or family; and/or written observations from others like private therapists or providers. The school may simply review documentation or conduct a more in-depth evaluation. **If it is found that the child is eligible**, developing and implementing a 504 Plan will follow.

How do I have my child evaluated?

School districts are **legally obligated to identify students with disabilities** that live within their districts each year. The school is **required** to evaluate the child if they have reason to believe that the child would qualify under Section 504 and/or the Individuals with Disabilities with Education Act (IDEA).

Often, school districts will consider outside evaluations provided to them as a basis for a request to identify the student as a student with a disability who is in need of special education or accommodations under Section 504. If you already have an outside evaluation or diagnosis, provide this documentation to the school to begin a request for evaluation and services.

Accommodations under 504

A 504 Plan can include accommodations and interventions. **An example of an accommodation is a change to the student’s classroom environment** such as providing a quiet testing environment or working with the student’s

seating arrangement. Interventions are strategies, such as praise or positive reinforcement, which can help a student succeed. Examples of possible accommodations are:

- Transportation or mobility assistance
- Using sensory tools
- Timing modifications – more time to take tests or complete assignments, taking frequent breaks
- Alternative assignments/assessments
- Recording lectures or instructions
- Taking tests in a quiet environment

What determines my child’s accommodations?

The school will interpret data gathered from the student’s evaluation and will also draw upon other sources including achievement tests, teacher recommendations, as well as the social or cultural background and the adaptive behavior of the student. **Decisions on specific accommodations and interventions should be conducted by a group of people knowledgeable about the student including the student, parents, teachers, or therapists and other service providers.**

What are my child’s rights under Section 504?

504 requires that parents be notified of any decision that affects their child’s education or placements and that the student is re-evaluated prior to any significant change to placement, which includes long term disciplinary removals. A parent may request modifications to a 504 Plan if there are significant changes to the child’s needs.